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| APPLICATION NO.                  | FILING DATE            | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO |
|----------------------------------|------------------------|----------------------|-------------------------|-----------------|
| 09/631,179                       | 08/02/2000             | Michael J. McMahon   | 769-236 Div.            | 1111            |
| 29540 7:                         | 590 03/13/2003         |                      |                         |                 |
| PITNEY, HARDIN, KIPP & SZUCH LLP |                        |                      | EXAMINER                |                 |
| 685 THIRD AV<br>NEW YORK, 1      | VENUE<br>NY 10017-4024 |                      | SIPOS, JOHN             |                 |
|                                  |                        |                      | ART UNIT                | PAPER NUMBER    |
|                                  |                        |                      | 3721                    |                 |
|                                  |                        |                      | DATE MAILED: 03/13/2003 |                 |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |  |  | 1/1/               |
|---|--|--|--------------------|
|   | Application No.  | Applicant(s)   | V                  |
| Advisory Action   | 09/631,179   | MCMAHON ET AL.   |                    |
| Advisory Action   | Examiner   | Art Unit   | <del></del>        |
|   | John Sipos   | 3721   |                    |
| The MAILING DATE of this communication a  | ppears on the cover sheet w  | ith the correspondence address   |                    |
| THE REPLY FILED 21 February 2003 FAILS TO PLA Therefore, further action by the applicant is required to final rejection under 37 CFR 1.113 may only be either: condition for allowance; (2) a timely filed Notice of Applexamination (RCE) in compliance with 37 CFR 1.114.   | o avoid abandonment of this<br>: (1) a timely filed amendme<br>peal (with appeal fee); or (3)                | s application. A proper reply to a ent which places the application in                       |                    |
| PERIOD FOR  | REPLY [check either a) or  | b)]  |                    |
| a) $\square$ The period for reply expires $3$ months from the mailing   | date of the final rejection.   |  |                    |
| b) The period for reply expires on: (1) the mailing date of the<br>no event, however, will the statutory period for reply exp<br>ONLY CHECK THIS BOX WHEN THE FIRST REPLY V<br>706.07(f).   | oire later than SIX MONTHS from  | he mailing date of the final rejection.  |                    |
| Extensions of time may be obtained under 37 CFR 1.136(a). fee have been filed is the date for purposes of determining the perifee under 37 CFR 1.17(a) is calculated from: (1) the expiration date (2) as set forth in (b) above, if checked. Any reply received by the timely filed, may reduce any earned patent term adjustment. See 3 | od of extension and the correspore of the shortened statutory period<br>Office later than three months after | ding amount of the fee. The appropriate ex for reply originally set in the final Office acti | tension<br>ion; or |
| 1. A Notice of Appeal was filed on Appellar 37 CFR 1.192(a), or any extension thereof (37 CFR 1.192(a)).  |  |  |                    |
| 2. The proposed amendment(s) will not be entered  | d because:   |  |                    |
| (a) ⊠ they raise new issues that would require fu   | rther consideration and/or s   | earch (see NOTE below);  |                    |
| (b) ☐ they raise the issue of new matter (see Not   |  | ,  |                    |
| (c) ⊠ they are not deemed to place the application issues for appeal; and/or  | on in better form for appeal   | by materially reducing or simplifying  | the                |
| (d) they present additional claims without cand   | celing a corresponding num   | ber of finally rejected claims.  |                    |
| NOTE: See attached sheet.   |  |  |                    |
| 3. Applicant's reply has overcome the following reje  | ection(s):   |  |                    |
| 4. Newly proposed or amended claim(s) work canceling the non-allowable claim(s).  | uld be allowable if submitte   | d in a separate, timely filed amendn   | nent               |
| 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request application in condition for allowance because:  |  | en considered but does NOT place t   | the                |
| 6. The affidavit or exhibit will NOT be considered by raised by the Examiner in the final rejection.  | pecause it is not directed SC  | DLELY to issues which were newly   |                    |
| 7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims  |  |  |                    |
| The status of the claim(s) is (or will be) as follow  | vs:  |  |                    |
| Claim(s) allowed:   |  |  |                    |
| Claim(s) objected to:   |  |  |                    |
| Claim(s) rejected:  |  |  |                    |
| Claim(s) withdrawn from consideration:  |  |  |                    |

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10. Other: \_\_\_\_

8.  $\square$  The proposed drawing correction filed on \_\_\_\_ is a)  $\square$  approved or b)  $\square$  disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). \_\_\_\_\_.

Application/Control Number: 09/631,179

Art Unit: 3721

The amendment has not been entered since the scope of the claim is unclear and inaccurate. The amendment can be read either of two ways: (a) the amendment reciting the state of the bag during insertion of the slider or (b) the amendment reciting the positive step of interlocking the closure elements during insertion of the slider. Since the "interlocking" of the closure elements of the zipper is not positively recited in claim 6 it is not clear whether it is part of the manipulative steps of the process. Neither of these cases is clearly supported by the disclosure. In case (a), as was stated in the previous action, the whole zipper is not interlocked where the insertion takes place. As stated on page 6, lines 5-15, the slider is preferably inserted at closing end of the zipper, i.e. the zipper being in an interlocked state prior to insertion, but since the insertion of the slider cannot take place without opening the closure elements at least at the point of insertion, it is inaccurate to state that the closure elements are interlocked. In the second case (b), page 6 of the disclosure does not state that a positive step of interlocking the zipper is performed during insertion of the slider. The above quoted lines of the disclosure do state that if the insertion takes place at the open end of the zipper, i.e. the zipper being in an open state, the slider will need to be moved to close the bag.

John Sipos

Primary Examiner

Art Unit 3721